

120 FERC ¶ 61,191
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Williston Basin Interstate Pipeline Company

Docket No. RP07-562-000

ORDER ON PETITION FOR WAIVER

(Issued August 28, 2007)

1. On August 3, 2007, Williston Basin Interstate Pipeline Company (Williston) requested the Commission waive Article II, section 1.1 of Gas Research Institute's (GRI) settlement¹ that obligates the pipelines to pass through certain GRI refunds. Instead of distributing refunds to pipeline customers, Williston requests that the Commission authorize the pipelines to donate the money to the Low Income Home Energy Assistance Program (LIHEAP). For the reasons appearing below, Williston's request is granted.

Background

2. On July 1, 2005, GRI filed a "True Up and Accounting Report" to comply with the 1998 Settlement. In that filing, GRI requested relief from its obligation under the 1998 Settlement to refund over-collected amounts to its member pipelines. Two customer groups who were parties to the Settlement, Process Gas Consumers and the Georgia Industrial Group (collectively, the Industrials), protested and urged the Commission to direct GRI to adhere to the 1998 Settlement's provisions regarding GRI's refund obligation.

3. On August 23, 2005, the Commission accepted GRI's July report, but denied GRI's request for relief from its refund obligation. The Commission directed GRI to refund approximately \$47,000 to 42 pipelines for further distribution to their customers, and to file a refund report with the Commission by September 29, 2005.²

¹ See *Gas Research Institute*, 83 FERC ¶ 61,093, *order on reh'g*, 83 FERC ¶ 61,331 (1998) (1998 Settlement).

² *Gas Research Institute*, 112 FERC ¶ 61,212 (2005) (August 2005 Order).

4. Article II, section 1.1 of the 1998 Settlement provides, *inter alia*, that “pipelines will refund the amount received from GRI within 60 days of receipt from GRI in proportion to GRI surcharges paid by customers over the relevant period.”³ In compliance with the Commission’s August 2005 Order, GRI distributed the refunds to Interstate Natural Gas Association of America (INGAA) pipeline members. On October 2, 2005, the INGAA filed a petition to waive distribution of GRI refunds received by its member companies, requesting that its member companies be allowed, instead of refunding the *de minimis* amounts of such refunds to their customers, to donate the refund amounts to an organization such as LIHEAP. On November 21, 2005, the Commission granted INGAA’s request and directed the member companies to make donations of the GRI refund amounts to LIHEAP, with appropriate reporting of such donations to INGAA, who would in turn report to the Commission.⁴

5. On June 26, 2007, GRI issued another refund to Williston amounting to \$264.60, representing Williston’s share of a refund by GRI to all applicable pipelines that was determined to be in excess of the amount allowed by the 1998 Settlement.

Notice and Interventions

6. Public notice of Williston’s petition was issued with opportunity for interventions, comments, and protests. No one filed a protest or adverse comments to the petition.

Discussion

7. The Commission finds that Williston’s waiver request is justified. The amount involved, \$264.60, is so small that it would be impractical to disburse it to customers. The Commission concludes that in these circumstances, donations to be made from the refund amounts should be made to LIHEAP, as requested by Williston. Therefore, subject to the refund amounts being donated to LIHEAP, the Commission grants the requested waiver of Article II, section 1.1 of the 1998 Settlement as requested by Williston. The Commission directs that Williston submit to the Commission a report once such disbursements are made to LIHEAP.

³ See 83 FERC ¶ 61,093 at 61,454 (1998). Williston is a member company of INGAA and previously received a refund from GRI.

⁴ *Gas Research Institute, et al.*, 113 FERC ¶ 61,193 (2005).

The Commission orders:

(A) Williston's petition for waiver of Article II, section 1.1 of the 1998 Settlement is granted as discussed in the body of this order.

(B) Williston must report its disbursement to the Commission of the amount donated in accordance with the terms of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.